

Message Text

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44

ACTION EB-11

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 COME-00 DODE-00 DOTE-00 FMC-04 INR-10

NSAE-00 CG-00 COA-02 DLOS-06 OIC-04 OMB-01 TAR-02

SPC-03 SWF-02 AGR-20 AID-20 LAB-06 SIL-01 STR-08

TRSE-00 CIEP-02 CEA-02 L-03 DRC-01 /196 W

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R 211442Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 4753

AMEMBASSY BONN

USMISSION USUN

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E.O. 11652: N/A

TAGS: ETRN UNCTAD

SUBJECT: SHIPPING: CODE OF CONDUCT -- ALL-STATES CLAUSE

AND FEDREP GERMANY POSITION

BEGIN SUMMARY: ALL-STATES FORMULA AGREED TO UNANIMOUSLY
IN WORKING GROUP. FRG REQUESTS US SUPPORT FOR STATEMENT
THEY WILL MAKE. ACTION REQUESTED: INSTRUCTIONS TO
SUPPORT FRG STATEMENT, GIVE ONE OURSELVES, OR REMAIN SILENT.
END SUMMARY

1. CONSENSUS REACHED IN WORKING GROUP OF CMTE III ON ALL-
STATES SIGNATURE AND RATIFICATION CLAUSES, WITH UN SECGEN
AS DEPOSITARY. WORKING GROUP CHOSE SOLUTION BASED ON
RESULTS REACHED AT PROTECTION OF DIPLOMATS CONFERENCE LAST
DECEMBER AND UNGA RESOLUTION RELATING TO IT. TEXT TO BE
FORWARDED TO PLENARY OF CMTE III CONTAINS FOLLOWING FOOTNOTE:

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QUOTE

THE THIRD MAIN COMMITTEE RECOMMENDS TO THE CONFERENCE
THE ADOPTION OF THE FOLLOWING UNDERSTANDING:

"IN ACCORDANCE WITH ITS TERMS, THE PRESENT CODE WILL
BE OPEN TO PARTICIPATION BY ALL STATES AND THE SECRETARY-
GENERAL OF THE UNITED NATIONS WILL ACT AS DEPOSITARY.
IT IS THE UNDERSTANDING OF THE CONFERENCE THAT THE
SECRETARY IN DISCHARGING HIS FUNCTIONS AS DEPOSITARY OF
A CONVENTION OR OTHER MULTILATERAL BINDING INSTRUMENT WITH
AN "ALL-STATE" CLAUSE, WILL FOLLOW THE PRACTICE OF THE
GENERAL ASSEMBLY OF THE UNITED NATIONS IN IMPLEMENTING
SUCH A CLAUSE AND, WHENEVER ADVISABLE, WILL REQUEST
THE OPINION OF THE GENERAL ASSEMBLY BEFORE RECEIVING A
SIGNATURE OR AN INSTRUMENT OF RATIFICATION, ACCEPTANCE,
APPROVAL OR ACCESSION. UNQUOTE

GROUP D AND 77 HAVE SAID THEY WOULD AGREE TO THE CONFERENCE
UNDERSTANDING.

2. US (WILLIS) WORKED WITH BONN GROUP COUNTRIES ON A
COORDINATED POSITION, AND ESPECIALLY CLOSELY WITH FRG
REP (MAASS, MIN FOR AFFAIRS), WHO WAS CONCERNED THAT
VIENNA FORMULA APPEARED HEADING FOR THE SCRAP-HEAP.
ON LEARNING US POSITION AT PROTECTION OF DIPLOMATS
CONFERENCE, HE REQUESTED INSTRUCTIONS FROM BONN
TO AGREE TO FORMULA REACHED THERE. THESE WERE OB-
TAINED AND ALSO INSTRUCTIONS TO MAKE EXPLANATION OF
VOTE ON RECORD WHEN QUESTION REACHES CMTE III PLENARY.
STATEMENT FRG WILL MAKE FOLLOWS:

QUOTE

THE DELEGATION OF THE FEDERAL REPUBLIC OF GERMANY
AGREES TO THE "ALL-STATE CLAUSE", THOUGH WE ARE AWARE
OF ITS SHORTCOMINGS. THE CLAUSE, HOWEVER, IS ACCEPTABLE
FOR US IF THE SECRETARY-GENERAL OF THE UNITED NATIONS
CAN BE RELIEVED OF THE DECISION--WHICH MAY BE DIFFICULT
IN INDIVIDUAL CASES--AS TO THE ACCESSION TO THIS CODE
OF CONDUCT BY AN APPLICANT PRETENDING TO BE A STATE,
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BY OFFERING THE SEC GEN THE POSSIBILITY TO REQUEST THE
OPINION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS
BEFORE ACCEPTING AN INSTRUMENT OF SIGNATURE, RATIFICATION
OR ACCESSION OF A PRETENDING STATE.

TO PROVIDE SUCH PROCEDURE OF CLARIFICATION IS, IN
THE VIEW OF THE FEDERAL REPUBLIC OF GERMANY, THE PURPOSE
OF THIS UNDERSTANDING, AND IT IS FOR THIS REASON THAT THE

UNDERSTANDING IS SUPPORTED BY THE FEDERAL REPUBLIC OF
GERMANY. UNQUOTE

3. WE WORKED WITH HIM A LITTLE ON THE WORDING BUT
COULDN'T SUGGEST OTHER THAN EDITORIAL CHANGES SINCE
HIS INSTRUCTIONS FROM BONN WERE "VERY TIGHT." HE
HAS ASKED US TO SUPPORT HIM FOLLOWING DELIVERY OF
STATEMENT.

4. ACTION REQUESTED: IS THERE ANY PROBLEM WITH US
ASSOCIATING ITSELF WITH FRG STATEMENT? IF THERE IS,
SHOULD WE SIMPLY REMAIN SILENT, OR MAKE STATEMENT?
IF LATTER, A TEXT PLEASE.DALE

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